

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
TYLER DIVISION**

|                         |   |                                      |
|-------------------------|---|--------------------------------------|
| BLUE SPIKE, LLC         | § | Civil Action No. 6:12-CV-499 RWS-CMC |
| <i>Plaintiff,</i>       | § |                                      |
|                         | § | LEAD CASE                            |
| v.                      | § |                                      |
|                         | § |                                      |
| TEXAS INSTRUMENTS, INC. | § |                                      |
| <i>Defendants</i>       | § |                                      |

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| BLUE SPIKE, LLC,                 | § | Civil Action No. 6:12-CV-576 RWS-CMC |
| <i>Plaintiff,</i>                | § |                                      |
| v.                               | § | CONSOLIDATED CASE                    |
| AUDIBLE MAGIC CORPORATION,       | § |                                      |
| FACEBOOK, INC., MYSPACE, LLC,    | § |                                      |
| SPECIFIC MEDIA, LLC,             | § |                                      |
| PHOTOBUCKET.COM, INC.,           | § |                                      |
| DAILYMOTION, INC.,               | § |                                      |
| DAILYMOTION S.A., SOUNDCLOUD,    | § |                                      |
| INC., SOUNDCLOUD LTD., MYXER,    | § |                                      |
| INC., QLIPSO, INC., QLIPSO MEDIA | § |                                      |
| NETWORKS LTD., YAP.TV, INC.,     | § |                                      |
| GOMISO, INC., IMESH, INC.,       | § |                                      |
| METACAFE, INC., BOODABEE         | § |                                      |
| TECHNOLOGIES, INC., TUNECORE,    | § |                                      |
| INC., ZEDGE HOLDINGS, INC.,      | § |                                      |
| BRIGHTCOVE INC.,                 | § |                                      |
| COINCIDENT.TV, INC., ACCEDO      | § |                                      |
| BROADBAND NORTH AMERICA,         | § |                                      |
| INC., ACCEDO BROADBAND AB,       | § |                                      |
| AND MEDIAFIRE, LLC               | § |                                      |
| <i>Defendants.</i>               | § |                                      |

**DECLARATION OF ALYSSA M. CARIDIS IN SUPPORT OF EMERGENCY MOTION  
TO ENFORCE THE COURT'S SCHEDULING ORDER**

I, Alyssa Caridis, declare under penalty of perjury that the following is true and correct:

1. I am an attorney at the law firm Orrick, Herrington & Sutcliffe, LLP, counsel of record for defendant Audible Magic Corp. (“Audible Magic”). I have personal knowledge of the facts set forth in this declaration, or access to information and records allowing me to confirm these facts. If called as a witness, I could testify competently to these facts under oath.

2. Attached hereto as **Exhibit 1** is a true and correct e-mail chain between Blue Spike’s Counsel, Randall Garteiser and Peter Brasher, and Audible Magic’s Counsel, Alyssa Caridis, Chris Higgins, and Walter Lackey, sent between September 11, 2014 and October 14, 2014.

3. Attached hereto as **Exhibit 2** is a true and correct e-mail chain between Blue Spike’s Counsel, Randall Garteiser, and Audible Magic’s Counsel, Alyssa Caridis, sent between April 20, 2015 and April 24, 2015.

4. Attached hereto as **Exhibit 3** is a true and correct e-mail chain between Blue Spike’s Counsel, Randall Garteiser, and Audible Magic’s Counsel, Alyssa Caridis, sent between April 20, 2015 and April 24, 2015.

5. Attached hereto as **Exhibit 4** is a true and correct e-mail chain between Blue Spike’s Counsel, Randall Garteiser, and Audible Magic’s Counsel, Alyssa Caridis, sent between June 11, 2015 and June 12, 2015.

Executed on June 12, 2015 in Austin, Texas.



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Alyssa M. Caridis